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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,654	06/28/2001	Manoel Tenorio	020431.0841	6772

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EXAMINER
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RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2164

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/895,654	<b>Applicant(s)</b> TENORIO, MANOEL	
	<b>Examiner</b> Sam Rimell	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tenorio et al. (U.S. Patent 6,708,161).

The reference patent to Tenorio et al. is applicable to the claims of the present invention because it has an earlier effective filing date (9/26/00) as well as a different inventive entity (a different set of inventors). When not all of the inventors are the same between the reference patent and the application, the inventive entity is different, and rejections under 35 USC 102(e) may become applicable (See MPEP 2136.04).

Claim 1: FIG. 1, Global Content Directory (42) functions as the claimed mapping module. As described at col. 6, lines 12-28, the source schema is the relational database (32) operated by a seller. The target schema is the hierarchical directory shown in FIG. 2.

The source schema includes a product ontology, which is a set of product classes (classes of products, such as “Pens”) and product attributes (“product data associated with a product” at col. 5, lines 14-15. For example “ball-point” or “felt-tip” are product attributes of pens).

The target schema (FIG. 2) includes product classes (48, 50) in the hierarchy and product attributes (the descriptors “Indirect Material” and “Direct Material”).

The classes of the source schema and target schema are associated by the use of pointers (col. 6, lines 15-21).

The generated product ontology is the generated list of classes, such as (48), (50), (58), and (60a-60c) shown in FIG. 2.

Claim 2: Column 6, lines 58-64 describe a user making a selection of a class, which is user input indicating a target class that will become associated with a source class in the seller database. The pointers in the system (col. 6, lines 15-21) will then associate the target class to the source class and return search results into the target schema.

Claim 3: FIG.2 illustrates a graphical representation of the taxonomies of the source and target schemas presented together. For example, a target class, such as “Indirect Material” in the target schema is associated with a source class deriving from a seller’s database, such as “Pens”, that corresponds to pen products in the seller’s database. This information is communicated to the user via the graphical interface of FIG. 2.

Claim 4: Classes such as “ball-point”, “felt-tip” and “roller-ball” are leaf classes (leaf nodes) in the schema.

Claim 5: Target classes such as “Indirect Material” (50) and source classes, such as “Pens” will intersect each other in the sense that they are linked by pointers (col. 6, lines 12-28). These pointers will lead to the generation of product ontologies, such as that shown in FIG. 2. The target classes and source classes can also be viewed as intersecting each other by reason that they are related to each other on a hierarchical tree.

Claim 6: FIG. 2 illustrates a parent class, such as “Industry Standard Schema” (46) and a target class, such as “Direct Material” (48). The parent class and target will intersect each other in the sense that they are related to each other on a hierarchical tree.

Claim 7: The seller ontology is the list of products in the seller’s databases (col. 6, line 18), such as ball-point pens or felt-tip pens. Attributes for such products would be, for example,

“ball-point” or “felt-tip”. The seller ontologies are integrated into the hierarchy of FIG. 2 (items 60a-60b).

Claim 8: Pointers are used to point to products in the seller’s databases (col. 6, lines 12-28). The pointers will create associations between target classes, such as “Indirect Material” and classes of products in the seller’s databases, such as “Pens”.

Claim 9: See remarks for claim 1.

Claim 10: See remarks for claim 2.

Claim 11: See remarks for claim 3.

Claim 12: See remarks for claim 4.

Claim 13: See remarks for claim 5.

Claim 14: See remarks for claim 6.

Claim 15: See remarks for claim 7.

Claim 16: See remarks for claim 8.

Claim 17: See remarks for claim 1.

Claim 18: See remarks for claim 2.

Claim 19: See remarks for claim 3.

Claim 20: See remarks for claim 4.

Claim 21: See remarks for claim 5.

Claim 22: See remarks for claim 6.

Claim 23: See remarks for claim 7.

Claim 24: See remarks for claim 8.

Claim 25: See remarks for claim 1.

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Claim 26: See remarks for claim 1-3 and 8.

Claim 27: See remarks for claims 1-3 and 8.

Claim 28: See remarks for claims 1-3 and 8.

General Remarks

Applicant has submitted a revocation of power of attorney and establishment of new power of attorney. These documents have been received, and copies are provided with this action to demonstrate receipt. Examiner has instructed the clerical staff to update the correspondence address.

Telephone Interview With Examiner Pinchus Laufer

Applicant's response of December 12, 2005 refers to several telephone interviews with Examiner Pinchus Laufer in which Examiner Laufer allegedly indicated that the current version of this declaration was sufficient to overcome previously raised objections to previously submitted declarations. However, within Technology Center 2100, Examiner Laufer is a Special Program Examiner, and as such, only issues formal findings and conclusions in writing. Since there is no correspondence from Examiner Laufer in the record of this application, the examiner cannot conclude that Examiner Laufer issued such an opinion, or otherwise made findings that would be binding upon the examiner of record. Additionally, the examiner cannot rely upon anecdotal descriptions of interviews when making decisions about the evidence of record. Unless an interview summary is present, or some formal decision is issued in writing, the present examiner cannot take into account such interviews or decisions.

Consideration of Declaration under 37 CFR 1.132

Applicant has submitted a new Declaration under 37 CFR 1.132 with the objective of overcoming the rejection under 35 USC 102(e). In particular, applicant is attempting to establish that the subject matter of the prior art relied upon by the examiner was not invented by another, but rather, was invented by the inventor of the present application.

The Declaration is not effective in overcoming the rejection under 35 USC 102(e). In reviewing the declaration, examiner finds that the declaration is merely a blanket assertion that Manoel Tenorio invented the subject matter being relied upon by the examiner.

There is no objective evidence submitted (for example: logbooks, diaries, e-mails, notarized statements, documents from third parties) that support the assertions made in the Declaration. MPEP 716.01 (c)-(d) indicate that Declarations submitted under 37 CFR 1.132 must be weighed based upon their submissions of objective evidence. Since there is no objective evidence submitted with the Declaration to support the recited assertions, this weighs into the finding that the assertions of the declaration do not overcome the *prima facie* evidence of joint inventorship established by US Patent 6,708,161.

An additional consideration is the fact that there are no statements from the co-inventor of US Patent 6,708,161 (Mohanasundaram Chinnappann) to indicate what subject matter was invented by the co-inventor.

A further consideration is the fact that the Declaration does not clearly indicate exactly what subject matter was invented by the declarant Manoel Tenorio. The Declaration only contains a generic statement that Manoel Tenorio invented what the examiner relied upon,

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without being precise about which figures or portions of the specification were solely invented by Manoel Tenorio.

In view of these considerations, the Declaration under 37 CFR 1.132 submitted December 12, 2005 is not effective in overcoming the rejection under 35 USC 102(e).

This office action follows the submission of an RCE request and is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
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